

Application Serial No. 09/900,927

REMARKS

This Reply and Amendment is intended to be completely responsive to the non-final Office Action dated October 24, 2002.

Personal Interview

The Applicants thank the Examiner for conducting a personal interview on January 10, 2003. The Applicants received the Interview Summary on January 13, 2003. The claim amendments and remarks provided in this Reply and Amendment are intended to implement the agreements and understandings developed at the personal interview, as set forth in the Interview Summary.

Status of Claims/Claim Rejections ~ 35 U.S.C. § 102

Claims 1-20 have previously been cancelled. Claims 21-40 stand rejected. Claims 41-66 are withdrawn from consideration. Claims 21, 26, 28, 31, 34, 35, 37 and 39 have been amended. Claims 24, 25, 27, 30, 33, 38 and 40 have been cancelled (without prejudice). New Claims 67-102 have been added to present claims of varying scope.¹

Claims 21-23, 26, 28-29, 31-32, 34-37, 39 and 67-102 are pending in this Application.

All pending (amended and new) claims recite (in combination with other limitations) a "batting". It is the Applicants' understanding that the recitation of "batting" (by definition) has overcome the pending claim rejections under 35 U.S.C. § 102 based on U.S. Patent No. 5,543,214 to Groshens et al., U.S. Patent No. 3,333,280 to Hynek et al., U.S. Patent No. 2,992,149 to Drellich et al., and U.S. Patent No. 3,501,368 to Schabert et al.

¹ The total number of independent and dependent claims has remained the same as in the last (fifth) amendment filed by the Applicants.

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All pending (amended and new) claims now also recite (in combination with other limitations) a batting "consisting essentially of" cotton or polyester or cotton-polyester (blend), which is not identically disclosed in U.S. Patent No. 3,278,954 to Barhite ("Barhite"). Barhite discloses a "batt" including "feathery tufts" (e.g. feathers) and wherein "quilting ... may be achieved by heat sealing techniques rather than by stitching ..." (see generally and col. 4, lines 9-11). It is the Applicants' understanding that the recitation of the constituent (e.g. fiber types) of the batting as "consisting essentially of" cotton or polyester or cotton-polyester (thereby excluding feathers as a constituent) overcomes the pending claim rejections under 35 U.S.C. § 102 based on Barhite.

Pending Claims 21-23, 26, 28-29, 31-32, 34-37, 39 and 67-102 recite subject matter (i.e. a batting "consisting essentially of" cotton or polyester or cotton-polyester) that is not identically disclosed by any of the references and that is believed to be patentable in view of the references. See 35 U.S.C. §§ 102 and 103(a).

Other Claim Rejections - 35 U.S.C. § 112 ¶ 2

In the Office Action, the Examiner rejected Claims 26-27, 31, 34-35, 37 and 39-40 under 35 U.S.C. § 112 ¶ 2 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

The Examiner stated that Claims 26 and 27 are indefinite because of the phrase "configured to be selectively activated". Dependent Claim 26 has been amended, for clarity, and dependent Claim 27 has been cancelled. None of the pending claims recite the phrase "configured to be selectively activated."

The Examiner stated that Claim 31 is indefinite "because it is unclear to the Examiner how the Applicant defines 'soluble'". Dependent Claim 31 has been amended to recite "water-soluble" instead of "soluble". New dependent Claims 79 and 94 also recite an adhesive that is "water-soluble."

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The Examiner stated that Claims 34 and 35 are indefinite because of the use of the term "selectively" to describe the adhesive application. Dependent Claims 34 and 35 have been amended, for clarity. None of the pending claims recite an adhesive that is "selectively ... applied."

The Examiner stated that Claim 37 is indefinite because it is unclear to the Examiner what "treatment" the Applicant considers capable of removing the adhesive. Dependent Claim 37 has been amended to recite simply that "the adhesive is removable". New dependent Claims 82 and 101 recite that "the adhesive is removable by washing."

The Examiner stated that the term "thick" in Claim 39 is a relative term which renders this claim indefinite. Dependent Claim 39 has been amended to recite that "the batting is a thick material relative to a fabric cover of the quilt." New dependent Claims 83 and 98 recite a "batting" comprising a "loft" that is "thick relative to a fabric cover" which is meant to have its ordinary meaning (within the art of quilting making) as a comparison between the thickness of the batting and the thickness of the fabric cover of a quilt.

The Examiner stated that Claim 40 is indefinite because it is unclear to the Examiner how the "adhesive provides for the batting to maintain softness and flexibility". Claim 40 has been cancelled.

Accordingly, the Applicants submit that all pending claims have overcome the rejections under 35 U.S.C. § 112 ¶ 2.²

* * *

² None of the amendments to (or cancellations of) dependent claims is intended to narrow the scope of any base independent or intervening dependent claim. See 35 U.S.C. § 112 ¶ 4.

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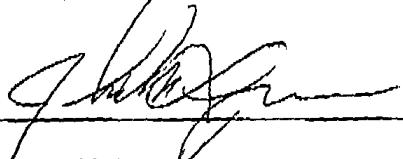
The Applicants believe that each outstanding rejection to the pending claims has been overcome, and the Application is in condition for allowance. Claims 21-23, 26, 28-29, 31-32, 34-37, 39 and 67-102 are each believed to be allowable. The Applicants request reconsideration and allowance of all pending Claims 21-23, 26, 28-29, 31-32, 34-37, 39 and 67-102.

The Examiner is invited to telephone the undersigned if such would advance the prosecution of the Application.

Respectfully submitted,

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Attorney Docket No. 074313-0102

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MARKED UP VERSION OF AMENDED CLAIMS

1 21. (Amended) In a batting of a type having opposing faces and a
2 softness and a flexibility and configured for use in the formation of a quilt, the quilt
3 having at least one cover to be securably attached to the batting by spaced apart
4 connectors, the improvement comprising:

5 the batting consisting essentially of cotton or polyester or cotton-polyester; ✓ ✓
6 and ✓ ✓

7 an adhesive provided with the batting so that the at least one cover can be
8 attached to the batting by an adhesive connection at the opposing faces of the
9 batting during formation of the quilt.

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1 26. (Amended) The batting of Claim 21 wherein the adhesive is
2 [configured to be selectively] activated by heat when applying the cover for
3 attachment to the batting.

don't remove and claim
not really supported

1 28. (Amended) The batting of Claim 21 wherein the adhesive connection
2 is formed by application of [heat] pressure. ✓ not really supported - involves
only pressure alone

1 31. (Amended) The batting of Claim 21 wherein the adhesive [is a]
2 comprises a water-soluble material [applied to the batting].

1 34. (Amended) The batting of Claim 22 wherein the [activatable]
2 adhesive is [selectively] applied to a portion of the batting.

1 35. (Amended) The batting of Claim 21 wherein the adhesive is
2 [selectively] applied to at least one of the opposing faces of the batting as a pattern.

1 37. (Amended) The batting of Claim 21 wherein the adhesive is
2 removable [by a treatment].

activated
or treated
material

1 39. (Amended) The batting of Claim 21 wherein the batting is a thick
2 material relative to a fabric cover of the quilt.

✓ not
relative
to fabric
cover
of quilt
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